

TECHNICAL SUPPORT DOCUMENT

for

Notice of Proposed Rulemaking

on

Revisions to Arizona's Inspection and Maintenance Programs

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U.S. Environmental Protection Agency, Region 9

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Introduction: The Arizona Department of Environmental Quality (ADEQ) has submitted revisions to its inspection and maintenance (I/M) program state implementation plan (SIP). The Arizona I/M programs, known as the Basic and Enhanced Vehicle Emissions Inspection and Maintenance Programs, are designed to reduce emissions of carbon monoxide (CO) and volatile organic compounds (VOCs) from motor vehicles in use in the Maricopa County CO and ozone nonattainment areas (the Phoenix area) and the Tucson Air Planning CO nonattainment area (the Tucson area). The revisions to the plan are reviewed here and recommendations are made regarding the action the United States Environmental Protection Agency (EPA) is taking on Arizona's submittal.

Completeness Review: ADEQ submitted changes to its Basic and Enhanced Vehicle Emissions Inspection and Maintenance Programs as a revision to its SIP on July 6, 2001. We did not make a completeness finding on this submittal. Under CAA section 110(k)(6)(B), the submittal became complete by operation of law, on January 10, 2002, six months after we received it on July 10, 2001. The July 6, 2001 SIP revision package included among various other program changes, ADEQ's revised rule which extends the exemption for newer model year vehicles from the current model year to the first five model year vehicles. Also included in the SIP revision was State legislation that discontinued the remote sensing program that had been implemented by ADEQ in Area A. In place of the remote sensing program, the legislation authorized ADEQ to conduct a study to determine the most effective on-road testing program for Arizona.

ADEQ submitted a draft SIP revision supplementing the July 6, 2001 SIP revision on February 8, 2002. EPA found the submittal complete on February 21, 2002. ADEQ submitted the "Final Arizona State Implementation Plan Revision For the Basic And Enhanced Vehicle Emissions Inspection and Maintenance Programs" on April 10, 2002. The April 10 submittal was found complete on May 2, 2002. This submittal contains rule revisions incorporating OBD testing and, in accordance with the State legislation, deleting the previously approved remote sensing program. It also contains a modeling demonstration, with adjustments for the IM147 transient mass emissions test, showing the I/M program implemented in Area A meets EPA's high enhanced performance standard.

Background: On May 8, 1995 (60 FR 22518) EPA fully approved Arizona's Basic and Enhanced I/M programs as meeting the applicable requirements contained in the federal I/M

regulations (40 CFR Part 51, Subpart S).¹ At the time EPA approved Arizona's I/M programs, Arizona was not required to meet the federal requirements for an enhanced I/M program, although Arizona was implementing most elements of an enhanced program in the Phoenix area (Area A). Since Arizona's program implemented in the Area A did not meet all of EPA's requirements for an enhanced program, however, the program was not approved as enhanced program under the federal I/M regulations.

Analysis of the Arizona I/M SIP Revision: Since EPA approved the original State I/M programs into the SIP, Arizona has made several changes to its I/M programs including the addition of OBD testing, the replacement of the remote sensing program with a new on-road testing study, enhancements to its waiver provisions, and the substitution of the IM 147 transient mass emissions test for the IM 240 test. ADEQ has also completed a modeling demonstration, with adjustments for the IM 147 transient mass emissions test, showing the enhanced I/M program implemented in Area A meets EPA's high enhanced performance standard. The following sections of this document address whether the changes to the State's I/M programs submitted to EPA for approval satisfy the requirements of the federal I/M rule. 40 CFR Part 51, Subpart S.

40 CFR 51.350. Applicability

The Clean Air Act (CAA) requires a basic I/M program be implemented in moderate ozone and moderate CO nonattainment areas with a design value of 12.7 ppm or below. CAA §§ 182(b)(4) and 187(a)(4). An enhanced I/M program is required in serious and above ozone nonattainment areas and CO areas with a design value greater than 12.7 ppm. CAA §§ 182(c)(3) and 187(a)(6). The basic and enhanced programs must be implemented in the 1990 census defined urbanized area with a population of 200,000 or more. 40 CFR 51.350(a)(2) and (a)(4).

A basic I/M program was required in the Tucson Air Planning Area CO nonattainment area and is included in the area's maintenance plan. An enhanced I/M program became a requirement for the Phoenix area when the area was reclassified from a "low" moderate CO

¹ EPA's regulations originally promulgated on November 5, 1992 (57 FR 52950) have been amended a number of times. See, e.g., 58 FR 59366 (Nov. 9, 1993), 59 FR 32343 (June 23, 1994), 60 FR 1735 (Jan. 5, 1995), 60 FR 48029 (Sept. 18, 1995), 61 FR 39032 (July 25, 1996), 61 FR 40940 (Aug. 6, 1996), 61 FR 44119 (Aug. 27, 1996), 63 FR 1362 (Jan. 9, 1998), 63 FR 24429 (May 4, 1998), 65 FR 45526 (July 24, 2000), and 66 FR 18156 (Apr. 5, 2001). Many of these amendment were designed to provide states with more flexibility in designing their I/M programs.

nonattainment area (with a design value less than 12.7 ppm) to a serious CO nonattainment area effective August 28, 1996 (61 FR 39343, July 29, 1996), and when the area was reclassified from a moderate to a serious nonattainment area for ozone effective February 13, 1998 (63 FR 7290, February 13, 1998).

The area subject to the I/M program (and several other air pollution control measures) in the Phoenix area is referred to in Arizona statutes, and ADEQ regulations, as “Area A.” Since EPA’s approval of the State I/M programs in 1995, Arizona has expanded the boundaries of Area A to incorporate high-growth areas surrounding metropolitan Phoenix.² Subject Vehicles included within the Maricopa and Yavapai County portions of the expanded Area A were subject to inspection beginning December 31, 1998. Implementation in the newly added Pinal County portion of Area A began January 1, 2001. ADEQ projects that by 2002 an additional 60,676 vehicles will be subject to the program. (ARS 49-541; AAC R18-2-1001) Since the program was implemented in the urbanized area when it was approved in 1995, the expansion of Area A is approvable and provides additional emission reduction benefits to the Phoenix area.

Area B is the boundary area for the Tucson metropolitan area I/M program. Legislation

² The I/M program is effective in the following areas:

1. In Maricopa County:

Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 2 West through Range 6 East
Township 5 North, Range 2 West through Range 7 East
Township 4 North, Range 2 West through Range 8 East
Township 3 North, Range 2 West through Range 8 East
Township 2 North, Range 2, West through Range 8 East
Township 1 North, Range 2, West through Range 7 East
Township 1 South, Range 2, West through 7 East
Township 2 South, Range 2, West through 7 East

2. In Pinal County:

Township 1 North, Range 8 East and Range 9 East
Township 1 South, Range 8 East and Range 9 East
Township 2 South, Range 8 East and Range 9 East
Township 3 South, Range 7 East through Range 9 East

3. In Yavapai County:

Township 7 North, Range 1 East and Range 1 West through Range 2 West.

enacted in 1999 defined the boundary of Area B in terms of township and range.³ (ARS 49-541; AAC R 18-2-1001) Prior to this legislative change, Area B was defined as “a carbon monoxide nonattainment area in a county with a population in excess of four hundred thousand but fewer than one million two hundred thousand persons as determined by the most recent United States decennial census.” See Arizona House Bill 2189, enacted in 1999, ARS 49-541. According to ADEQ, the change in the area definition has not affected the number of vehicles subject to the program in Area B. The definition continues to cover the required urbanized area and does not result in a substantive change to the program. The definition, therefore, is approvable.

40 CFR 51.351. Enhanced I/M Performance Standard

The federal I/M rule requires that the state perform modeling using the most current version of EPA’s mobile source emissions model to determine that the emissions levels achieved by the I/M program meet the minimum performance standard provided in the federal regulations. The elements of EPA’s high enhanced program model program are contained in 40 CFR 51.351(f).

On January 1, 2000, ADEQ began using a revised test procedure called the IM147 for vehicles undergoing the transient mass emissions test in Area A. (AAC R18-2-1006) The IM147 test is derived from the IM240 test which had been used in Area A since 1995. The IM240 transient mass emissions test includes two phases. The IM147 is based on the second phase, which has a driving cycle that is longer and has significantly higher speeds than the first phase. The IM147 was developed to allow more vehicles to be tested per lane at the I/M testing facilities and to reduce the incidence of false failures due to inadequate preconditioning, while maintaining stringency close to the level of the I/M 240 test.⁴

Because the IM147 test type was not available as an input option in the MOBILE5b emission factor model, Arizona performed its modeling using the closest available test type, the IM240. The resulting credit was then adjusted based upon the analysis of a 2,518 vehicle sample of paired IM240 and IM147 emission tests. Based on this analysis and previous work done by

³ Area B means the area delineated in Pima County as Township 11 and 12 South, Range 12 through 14 East; Township 13 through 15 South, Range 11, through 16 East; Range 12 through 16 East, excluding any portion of the Coronado National Forest and The Saguaro National Park.

⁴ If a vehicle is not thoroughly warmed up, high emissions can be caused by air-fuel ratio enrichment or an inactive catalytic convertor.

ADEQ, EPA, and Sierra Research, it was determined that multiplying the IM240 modeling output CO, HC and NO_x results by .994, .987, and .954 respectively,⁵ was an appropriate surrogate for modeling the IM147 test directly.

At the time the Arizona SIP revision was developed, MOBILE5b was EPA's latest available approved emission factor model, and was therefore the model used to project the emission reductions attributable to Arizona's IM147 enhanced program. Because of the complexity of the program, i.e., different tests for different model year vehicles and types of vehicles, several different modeling scenarios were combined to determine the level of emission reductions achieved by the State's program. These emission reductions were then compared to the emission reductions associated with EPA's high enhanced I/M performance standard. The modeling demonstrated that Arizona's enhanced program with the IM147 test meets EPA's high enhanced I/M performance standard.

40 CFR 51.354. Adequate Tools and Resources

The federal I/M rule requires the State to demonstrate that there is adequate funding to perform all of the program functions including quality assurance, data analysis and reporting, and the holding of hearings and the adjudication of cases. 40 CFR 51.354(d).

Arizona House Bill (HB) 2007 eliminated fee caps for the state vehicle emissions inspection programs and HB 2538 authorized ADEQ to set fees to cover the full cost of the program including administration, implementation and enforcement (ARS 49-543). Effective January 2, 2002, ADEQ entered into a new 7-year contract with Gordon-Darby Arizona Testing, Inc. to operate the vehicle emissions inspection program.

These changes to the Arizona I/M programs meet the requirements of 40 CFR 51.354.

40 CFR 51.356. Vehicle Coverage

The federal performance standard for enhanced I/M programs assumes coverage of all 1968 and later model year light duty vehicles and light duty trucks up to 8,500 pounds gross vehicle weight rating (GVWR), and includes vehicles operating on all fuel types. 40 CFR 51.356; 40 CFR 51.351(f). The standard for basic I/M programs does not include light duty trucks. 40 CFR 51.356; 40 CFR 51.352(a). Other levels of coverage may be approved if the necessary emission reductions are achieved. 40 CFR 51.356.

⁵ See Enclosure 9 of ADEQ's April 10, 2002 SIP submittal in the docket.

Arizona Senate Bill (SB) 1427, enacted in 1998, expanded the one year exemption from testing requirements for current model year vehicles to also include the prior four model years, making the first five model year vehicles exempt from testing on a rolling basis in both Area A and Area B (ARS 49-542; AAC 18-2-1003). Implementation began September 1, 1998. The exemption of newer model year vehicles from emissions testing results in a relatively small loss in emission benefit. Arizona's enhanced I/M implemented in the Phoenix area meets the high enhanced performance standard with the first five model years excluded from testing. See the discussion on 40 CFR 51.351 Enhanced I/M Performance Standard above.

Arizona SB 1004, enacted in 2000, subjected all alternative-fueled vehicles in Area A and Area B, except hydrogen fueled vehicles, to the State I/M program requirements with no exemption for current model year and prior four model year vehicles in Area A. Dual-fuel vehicles are required to be tested while operating on gasoline and on alternative fuel. (ARS 49-542.05)

The federal I/M regulations require that vehicles operated on Federal installations located within an I/M program area be tested regardless of whether the vehicles are registered in the State or local I/M area. 40 CFR 51.356(a)(4). This requirement applies to all employee-owned or leased vehicles as well as agency-owned or operated vehicles, except tactical military vehicles. Arizona HB 2254, enacted in 1999, requires that all vehicles owned by the United States and housed in the State for more than ninety consecutive days, and vehicles owned by the State or a political subdivision of the State, comply with the State I/M regulations. This legislation (ARS 49-542) was approved into the SIP when EPA redesignated the Tucson Area to attainment for CO.⁶ This provision of Arizona's program satisfies the requirements of 40 CFR 51.356(a)(4).

40 CFR 51.357. Test Procedures and Standards

The federal I/M rule requires that the State establish and follow written test procedures and pass/fail standards for each model year and vehicle type included in the program. 40 CFR 51.357. It also requires that beginning January 1, 2002, inspection of the OBD system on model year 1996 and newer light duty shall be conducted according to the procedure described in 40 CFR 85.2222, at a minimum. 40 CFR 51.357(a)(12).

AAC R 18-2-1006 has been revised to subject 1996 and newer vehicles to an OBD test and a functional test of the gas cap. The regulation also requires that the OBD test and test equipment conform to "Performing Onboard Diagnostic System Checks as Part of a Vehicle

⁶ 65 FR 36358, June 8, 2000.

Inspection and Maintenance Program,” EPA420-R-01-015, EPA, June 2001 which is incorporated by reference.

Pass-fail standards for vehicles that operate on compressed natural gas have been added to AAC R 18-2-1006 and the gas cap inspection procedures and standards contained in AAC R 18-2-1006 have been modified.

The revised test procedures and standards for vehicles undergoing the IM 147 transient mass emissions test in Area A were codified in amendments to AAC R18-2-1006 and in AAC title 18, chapter 2, article 10, Tables 3 and 4. The amendments detail the revised emission standards and specifications for the transient driving cycle.

Specifications for the evaluation of catalytic converter failure required by AAC R18-2-1008 were updated in AAC R18-2-1031.

These changes to the Arizona I/M programs test procedures and standards are consistent with the federal I/M requirements specified in 51.357.

40 CFR 51.358. Test Equipment

The federal I/M rule specifies requirements for test equipment to perform OBD testing 40 CFR 51.358(b)(4). ADEQ has updated its requirements for fleet emission testing permit holders to reflect new vehicle technology and testing regulations including the ability to perform OBD testing (AAC R 18-2-1019). These provisions satisfy EPA’s equipment requirements for OBD testing.

40 CFR 51.359. Quality Control

EPA’s federal I/M regulations require state programs to include measures to insure emission testing equipment is calibrated and maintained properly. 40 CFR 51.359. SIPs are to include a description of quality control procedures. 40 CFR 51.359(f).

The revisions submitted for EPA approval include changes to the quality control procedures for the state programs. Maintenance and calibration procedures for automated emission analyzers, opacity meters and other equipment have been updated and more stringent qualifications for personnel that maintain repair emissions testing equipment have been adopted (AAC R18-2-1025. Inspection of Contractor’s Equipment and Personnel; AAC R18-2-1026. Inspection of Fleet Stations; AAC R 18-2-1027. Registration and Inspection of Emission

Analyzers and Opacity Meters; and AAC R 18-2-1028. Certification of Users of Registered Analyzers and Analyzer Repair Persons). These changes will update and improve the quality control provisions currently approved into the SIP.

40 CFR 51.360. Waivers and Compliance via Diagnostic Inspection

EPA's requirements permit I/M programs to provide a waiver which allows the motorist to comply with the program without meeting applicable test standards as long as certain prescribed criteria are met. 40 CFR 51.360. In basic programs, a minimum of \$75 for pre-1981 vehicles and \$200 for 1981 and newer vehicles must be spent by the motorist for appropriate repairs in order to qualify for a waiver. 40 CFR 51.360(a)(6). Beginning on January 1, 1998, enhanced programs must require motorists to spend at least \$450 for appropriate repairs. 40 CFR 51.360(a)(7).

Arizona's rules, R-18-2-1010E, provide that a waiver from the applicable standards may only be issued if the owner makes qualifying repairs before failing the retest. Qualifying repairs include performance of a low-emissions tune-up. Although the required expenditures under Arizona's enhanced I/M program for Area A differ from those described in EPA's I/M requirements for enhanced programs, a side-by-side comparison demonstrates that, overall, they are not less stringent.

For enhanced programs EPA requires a minimum expenditure of at least \$450 to qualify for a waiver, but allows for an extension of time to repair a failed vehicle for the period of one test cycle for "economic hardship." 40 CFR 51.360(a)(9). EPA's regulations also allow a vehicle to receive multiple waivers as long as the vehicle fully passes the applicable standards between such waivers. Id.

Arizona's program recognizes that the burden of repairs is greatest on owners of older vehicles. The Arizona program includes minimum expenditures that decrease with the age of the vehicle, i.e., \$ 450 for 1980+ model year vehicles, \$300 for 1975-79 model years, and \$200 for pre-1975 model years. The costs of repair due to tampering do not apply to the waiver cost limit. Under the State's program, waivers are denied to gross polluting vehicles, which are vehicles failing the emissions inspection at more than twice the applicable standard. A waiver may be granted only once in a vehicle's life. Waivers are denied if the vehicle has an inoperable catalytic convertor. Thus, unlike the federal program, where relief may be allowed for "economic hardship" and multiple waivers may be granted for failure during subsequent test cycles, the Arizona program includes more limited provisions for waivers and allows for only a single such waiver. Therefore, EPA proposes to conclude that, taken as a whole, Arizona's waiver

requirements are not less stringent than those required by the federal I/M regulations.

The provisions which deny a waiver to vehicles failing the emissions test at more than twice the applicable standard and which limit the issuance of a waiver to once in a vehicle's lifetime, also apply to the Area B basic I/M program. These provisions strengthen the program and provide additional emissions reductions.

40 CFR 51.363. Quality Assurance

The federal I/M regulations require states to implement an ongoing quality assurance program to discover whether the required program procedures are being followed . 40 CFR 51.363. Arizona's I/M program uses audits to ensure inspections are being performed properly. See 60 FR 22518, 22522 (May 8, 1995) (EPA's original approval of Arizona I/M programs).

The revisions submitted to EPA for SIP approval include new audit requirements for functional gas cap analysis equipment. (AAC R 18-2-1025). These new procedures improve the quality assurance provisions of the program and are consistent with the federal requirements.

40 CFR 51.366. Data Analysis and Reporting

The federal I/M regulations require states to prepare various reports to allow for monitoring and evaluation of the program by program management and EPA. 40 CFR 51.366. The SIP is to describe the types of data to be collected. 40 CFR 51.366(f).

In our 1995 approval of the original Arizona I/M programs, we noted that the State had entered into a contract with an independent contractor to collect data necessary for ADEQ to file the reports required under 40 CFR 51.366. See 60 FR at 22523. Under ADEQ's new contract with Gordon-Darby Arizona Testing, Inc., the contractor who operates Arizona's centralized I/M programs, improved random sampling of vehicles to receive full IM 147 tests will assist ADEQ in better understanding program effectiveness. ADEQ will also have improved access to the contractor's database and better contractor reports to support data analysis and reporting. These revisions will ensure that contractor continues to provide the data necessary for ADEQ to file the required reports.

40 CFR 51.367. Inspector Training and Licensing or Certification

All inspectors involved in I/M programs must receive formal training and be licensed or certified to perform inspections. 40 CFR 51.367. SIP submittals must include a description of

the training program, the examinations and the licensing process. 40 CFR 51.367(c).

In the revisions to the state program, ADEQ has strengthened the examination proficiency for certification of emission analyzer users and repair personnel, and added stipulations for suspension of, or refusal to renew, certification for actions that demonstrate a lack of proficiency or willful violation of Arizona's I/M regulations. (AAC R18-2-1028). These changes increase the stringency of the program and are consistent with the federal requirements.

40 CFR 51.368. Public Information and Consumer Protection

The federal I/M regulations require state programs to include a plan for providing public information throughout the life of the program. 40 CFR 51.368(a). ADEQ, in conjunction with its independent contractor, conducts a public awareness program. Information on the air quality problem, the role of motor vehicles, and I/M requirements is contained in a brochure mailed with registration or re-registration documentation to all affected motorists. The SIP revisions submitted by the State included Senate Bill 1427, which continues indefinitely the program to increase public awareness of air quality issues (ARS 49-551). This revision extends the current SIP-approved public information plan for the life of the program and is consistent with the federal requirements.

51.371. On-Road Testing

On-road testing is required in enhanced I/M areas and is an option for basic I/M areas. 40 CFR 51.351(b); 40 CFR 51.371. Enhanced I/M programs are required to perform roadside testing on 0.5% of the subject fleet or 20,000 vehicles, whichever is less, per inspection cycle. 40 CFR 51.371(a)(2). On-road emissions can be measured through the use of remote sensing devices (RSD) or by assessing vehicle emission performance through roadside pullovers including tailpipe or evaporative emission testing or a check of the OBD system on vehicles so equipped. 40 CFR 51.371(a)(3). Roadside testing information can be used for several purposes, including but not limited to: in-use fleet characterization, clean screening, and as a trigger for out-of-cycle repairs. Emission reduction credit is only granted for programs which require out-of-cycle repairs for confirmed high-emitting vehicles identified under the on-road testing program. 40 CFR 51.371(b)(3).

Since the time the original on-road testing requirements were established by EPA in the early 1990's, EPA has revised its on-road testing requirement to allow non-tailpipe based alternatives for roadside pull-over type testing, such as evaporative system testing and OBD testing on 1996 and newer model year vehicles, and RSD-based approaches that do not identify

“dirty” vehicles, but screen out clean vehicles from further program testing, for example, as well as RSD-based program evaluation testing and other RSD-based data gathering efforts. RSD-based program evaluation testing and data-gathering efforts do not include pass/fail standards, and are generally not focused on individual vehicles, but rather are designed to draw conclusions regarding the overall program’s effectiveness, or otherwise generate data useful in characterizing the in-use fleet. 65 FR 45526, July 24, 2000.

Arizona began an RSD program in Area A in 1995. Vehicles identified as high emitters were required to have a follow-up emissions test at a state run station and to undergo repairs if necessary. The State found that the program resulted in small emissions reductions. Of the vehicles initially identified as high emitters, 29% were found to be false positives upon retest. The State concluded that this high false positive rate drove up the cost of the program. The State estimated the cost effectiveness of the program as approximately \$800-\$1000 per ton of CO and \$16,000-\$20,000 per ton of volatile organic compounds.

Consequently, in 2000 the State legislature enacted HB 2104 which replaced the existing RSD program with a study designed to identify more accurate and cost-effective on-road testing methods. The legislation authorized the analysis of alternative technologies, including remote sensing, to evaluate the performance of in-use emissions control systems. The goals of the study include improving methods of identifying high emission vehicles and increasing compliance with the annual/biennial inspection program. HB 2104 also provided dedicated funding to complete the study and develop the new program.

In accordance with the State legislation, ADEQ has amended its I/M regulations to remove the RSD program. ADEQ has contracted with Eastern Research Group, Inc. (ERG) in Austin, Texas to conduct the baseline assessment and evaluation of alternative testing technologies for the Arizona Alternative Compliance and Testing Study. Under the provisions of the contract with ERG, Arizona continues to meet EPA’s requirement for on-road testing of 0.5% of the subject fleet statewide or 20,000 vehicles, whichever is less, annually.⁷ Arizona has also committed to submit an I/M program SIP revision when the study is completed and the new on-road testing program designed. (AAC R 18-2-1015 On-Road Testing and High Emissions Identification was repealed effective January 1, 2002.) Since emission reduction credit for is only granted to those programs which require out-of-cycle repairs for confirmed high-emitting vehicles under the on-road testing program, Arizona is not claiming additional emission reduction credit in this SIP revision.

⁷ A copy of the contract with ERG was included in the SIP revision and is part of the docket for the proposed rulemaking.

Section 2.2.1 of the ADEQ contract with ERG contains a detailed outline of the RSD study that will be conducted. Appendix 1 provides detailed labor and cost estimates for the study.

The replacement of the RSD program with the contract to conduct on-road testing as part of a study on alternative testing technologies continues to satisfy the requirements of 40 CFR 51.371.

40 CFR 51.372. State Implementation Plan Submissions.

The federal I/M rule requires state I/M programs to remain in operation until the programs are no longer necessary. 40 CFR 51.372(a)(6). State legislation enacted in 1999 added Arizona Revised Statutes (ARS) 41-3009.01, which extends the I/M program to January 1, 2009, well beyond the date of expected attainment of the CO and ozone national ambient air quality standards (NAAQS) in the Phoenix area. With respect to this sunset date, in a letter to EPA, dated August 23, 1998, ADEQ explained that ARS 41-2955 limits to ten years the existence of an agency such as ADEQ before it undergoes a sunset review.⁸ Therefore the Vehicle Emissions Inspection Program (VEIP) has been extended for the maximum time that is consistent with ARS 41-2955, i.e., ten years. The letter supplies a recent history of legislative changes to the VEIP, concluding that, "The VEIP has consistently received support from for necessary program updates from the Legislature." In the final rule redesignating Tucson area to attainment for CO and approving the Tucson maintenance plan, EPA concluded that, on the basis of this legislative history, it is reasonable to assume that the program will be extended when it expires at the end of 2008.⁹ We continue to believe that ADEQ has demonstrated that the Arizona I/M programs will remain in operation as long as necessary and the requirements of 40 CFR 51.372(6) have been satisfied.

Conclusions: Arizona is currently operating a basic I/M program in Area B and an enhanced program in Area A. The programs meet all of EPA's requirements and the enhanced program meets EPA's high enhanced performance standard. EPA is proposing to approve the changes to Arizona's basic program and is proposing to approve Arizona's enhanced program as a high enhanced program.

⁸ The letter, dated August 23, 1998, from ADEQ to EPA is included in the docket.

⁹ 65 FR 36356, June 8, 2000.

